

For these reasons, Applicants are required to elect one nucleic acid sequence and one encoded amino acid sequence to be examined in conjunction with the elected Group of claims. In the instant case, for Group I or Group II, one of SEQ ID NOs. 4 or 5 with one of SEQ ID NOs. 1 or 3 (amino acid positions 49-59), or one of SEQ ID NOs. 4 or 5 with one of SEQ ID NOs. 1 or 3 (amino acid positions 101-111).

In other words, the election of species was to chose between domain A (1 or 3) and one of B or C, i.e., A and B OR A and C. As apparent from the response filed in response (Response filed April 14, 2006):

In addition, Applicants select as an ultimate species SEQ ID NO: 4 (domain A) and SEQ ID NO. 1, fragment 49-59 (domain B), with traverse.

There was no requirement for an election of domain C in the election response noted immediately above. The first action on the merits mailed on May 31, 2006 examined A and B. Therefore, that the claims presented on November 30, 2006 did not explicitly recite domain C sequence does not render that response non-responsive.

To the sequences in the amended claims of November 26, 2006 relative to the claims of the original claims:

DOMAIN A

- (1) SEQ ID NO:4 as domain A was chosen. Claim 13 defines domain A, at least as one option, as including amino acids 60-100 of SEQ ID NO:1.
- (2) SEQ ID NO:1 is the sequence of the *Arabodopsis* IE41 protein (see page 6, lines 25-27 of the specification)
- (3) As described on page 6, line 33 to page 7, line 1, SEQ ID NO:4 is the part of SEQ ID NO:1 encompassing amino acid residues 60 to 100:

The inventors investigated which regions of the IE41 proteins were involved in their plastid targeting, and identified a region of 41 amino acids (residues at 60 to 100) that was essential to this targeting.

The sequence of this region is represented in the sequence

listing in the appendix under the number SEQ ID NO: 4 for the Arabidopsis IE41 protein, and under the number SEQ ID NO: 5 for the spinach IE41 protein.

(4) That Claim 13 still includes an option of SEQ ID NO:3 reflects the retention of currently non-elected subject matter but consistent with the Applicants request in their originally filed response to the Restriction Response to expand search, examination and allowance to non-elected species. See, e.g., from the Response filed April 14, 2006

Applicants respectfully submit that should the elected species be found allowable that the Office expand its search to the nonelected species.

DOMAIN B

(1) Domain B in original Claim 1 was identified and chosen to be amino acids 49-59 of SEQ ID NO:1. Claim 13 defines domain B, at least as one option, as amino acids 1-59 of SEQ ID NO:1.

(2) That amino acids 49-59 are contained in amino acids 1-59 of SEQ ID NO:1 does not render this part of the claim non-responsive.

(3) That Claim 13 still includes an option of SEQ ID NO:3 reflects the retention of currently non-elected subject matter but consistent with the Applicants request in their originally filed response to the Restriction Response to expand search, examination and allowance to non-elected species. See above.

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Reply to Office Communication of August 2, 2007

Reconsideration of the Notice of August 2, 2007 as well as further prosecution on the
merits of Applicants presented claims on November 30, 2006 is respectfully requested.

Respectfully submitted,

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